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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,482	02/20/2004	Thomas A. Gaskill	TAG-101A	2163

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EXAMINER

HOGAN, JAMES SEAN

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/783,482	Applicant(s) GASKILL, THOMAS A.	
	Examiner James S. Hogan	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 10 is objected to because of the following informalities: the word "curtain" in line 2 of the claim should be pluralized to "curtains". Appropriate correction is required.

Claim 11 is objected to because of the following informalities: lines 2 and 3 of claim 11 currently has a number of typographical errors and reads "the curtain includes a rigid frame an a flexible facade member attached is the frame". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, 7, 9, 15, 17, 18, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,942,669 to Savage Jr.

Regarding claim 1, Savage Jr. ('669) discloses a fire extinguisher storage device having a base (22) having a front (32) and back (not numbered), having a flat bottom, and having attachment means (see figures 4 and 4a) for a curtain (17). The curtain is located on the front of the base, and is sufficient enough to conceal a fire extinguisher and has a facade with a decorative theme. As per claim 19, the device also includes

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wall attachment means connected to the back of the base in the form of a vertically extending member (28) and is attached by way of fasteners (not shown) being placed through a wall attachment orifice (27). As per claim 4 and 17, the base has a rectilinear shape when viewed from the top. As per claim 6 and 18, the curtain has a front perimeter in the shape of a predetermined theme (in this case, of an antique fire-call box). As per claim 7, the base has a circular shaped recess (23) adapted to receive a fire extinguisher. As per claim 9 and 20, the curtain is removably attached to the base, and can be movable to create frontal access to the fire extinguisher. As per claims 13 the curtain of Savage Jr. includes a recess (15) to which a plastic cover is inserted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3, 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 3,942,669 to Savage Jr. Regarding the claims 3 and 5, Savage Jr. ('669) discloses the claimed invention except for a substantially front-rounded base and curtain that conforms to a circular shaped front base. It would have been an obvious design choice to make the base front-rounded and to have modified a curtain to conform to that particular shape, since applicant has not disclosed that a circular shape solves any stated problem or is for any particular purpose and it appears that the

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invention would perform equally well with any desired base-and-curtain shape. Further, utilizing the previous rejection of claim 9 above as a basis, claim 10, whereas Savage Jr. ('669) teaches only one theme of an interchangeable curtain, one having ordinary skill in the art would find it obvious at the time the invention was made to have provided a cover of a different theme, as one might find a more desirable cover for an interior design within a room.

As per claim 14, the rejection of claim 13 above serves as the basis for the following. Savage Jr. ('669) does not teach the plastic cover inserted into the recess (15) as being a theme item, however one having ordinary skill in the art would recognize that the plastic cover could have art or script instructing one to "Pull Here" or other such verbiage, thereby making the cover a "theme" item.

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 3,942,669 to Savage Jr. in view of U.S. Design Patent No. 250,377 to Dooley et al.

The rejection of claims 1 and 15 above serves as the basis for the following. Regarding claims 2 and 16, Savage Jr. ('669) does not teach a curtain of a single planar surface, but does teach the use of plastic, wood and metal as construction materials (Col. 4, lines 24-27) and decorative themes. Dooley et al. teaches a planar curtain that conceals a fire extinguisher. It would have been obvious to one skilled in the art at the time the invention was made to have modified the curtain of Savage Jr. with the curtain of Dooley et al in order to have a dust-free surface for a fire-extinguisher concealment device.

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Claims 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 3,942,669 to Savage Jr. in view of U.S. Patent No. 3,995,330 to Meyers.

Regarding claims 8 and 11, Savage Jr. ('669) does not teach the curtain including a rigid frame and a flexible facade member fixedly attached to the frame. Meyers teaches a rigid frame (29) and a flexible facade member (plastic cover (26), Col. 3, lines 4-12) fixedly attached to the frame of a concealing storage device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the concealment device of Savage Jr. ('669) with the frame and flexible curtain of Meyers ('330) in order to create a concealment device with a curtain that need not be removed to access the item being concealed.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 3,942,669 to Savage Jr. in view of U.S. Patent No. 3,995,330 to Meyers and further in view of U.S. Patent No. 6,681,941 to Johnson.

The rejection of claims 11 above serves as the basis for the following. Neither Savage Jr. ('669) nor Meyers ('330) teach the curtain on the concealing device being made of fabric. Johnson teaches the use of a fabric curtain (102) used as a concealing device for a structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modified the concealment device of Savage Jr. ('669) with the frame of Meyers ('330) and the fabric curtain of Johnson ('941) in order to create a concealment device with a curtain that need not be removed to access the item being concealed along the entire base of the concealment device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

U.S. Patent No. 5,975,475 to Chaplin, disclosing a fire extinguisher holder

U.S. Patent No. 5,025,935 to Hadechek, disclosing a cylinder retention device

U.S. Patent No. 3,921,950 to Sentinella, disclosing a fire extinguisher holder

U.S. Patent No. 4,046,439 to Lee, disclosing a fire extinguisher holder

U.S. Patent No. 5,195,595 to Nakagawa, disclosing a fire extinguisher holder

U.S. Patent No. 5,921,645 to Lapi, disclosing a fire extinguisher holder

U.S. Design Patent No. D251,464 to Masters, disclosing a holder

U.S. Design Patent No. D252,127 to Stewart, disclosing a fire extinguisher holder

U.S. Design Patent No. D269,835 to Knabb, disclosing a bottle holder

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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